

STATE OF CALIFORNIA  
Energy Resources  
Conservation and Development Commission

In the Matter of:	)	Docket No. 97-AFC-1
	)	
Application for Certification	)	
for the High Desert Power Project	)	
_____	)	

**Comments of the Department of Fish and Game on the  
Revised Presiding Member's Proposed Decision  
For the High Desert Power Project**

The Department of Fish and Game (DFG) has reviewed the Revised Presiding Member's Proposed Decision (RPMPD) dated March 2000, and offers these comments on the document.

DFG's comments and testimony in this proceeding have focused primarily on two environmental impacts: (1) the adverse effect of project construction and operation on the State-listed desert tortoise and Mohave ground squirrel and (2) the potential impact from the project's use of water on Mojave River bank discharges and flows, and on the species that depend on those flows. The potential impacts on Mojave River flows and riparian species is of particular concern to DFG because of the overdrafting of surface and ground waters in this basin, which have already resulted in severe impacts on the riparian corridor and the fish and wildlife that depend on the river.

DFG believes the proposed conditions of certification for biological resources set forth in the RPMPD adequately address project impacts on the desert tortoise and Mohave ground squirrel. These measures, which DFG assisted in developing, will mitigate project impacts on the desert tortoise and Mohave ground squirrel by avoiding take of these species where possible, by preserving habitat for the tortoise, and by carrying out a number of other measures to mitigate impacts to these species.

DFG also believes the proposed conditions of certification for soil and water resources set forth in the RPMPD will substantially reduce the potential for construction and operation of the project to adversely affect the Mojave River and the habitat it supports. On March 20, 2000,

DFG submitted to Commission staff comments detailing several concerns and recommending changes in the soil and water conditions tentatively proposed by Commission staff. Commission staff's decision to incorporate some of DFG's recommendations into its proposal dated March 24, 2000 addressed DFG's concerns to a considerable extent. Neither the Commission staff nor the RPMPD propose to place restrictions on future water bank withdrawals by the Victor Valley Water District. DFG believes that it is important banked water not be withdrawn by Victor Valley Water District or any other entity from wells that are closer to the river than the point of injection, but DFG agrees that these details can be addressed by the Watermaster as part of any subsequent request by Victor Valley Water District for a water storage agreement to allow groundwater banking. Therefore, DFG will plan to raise this issue if and when Victor Valley Water District seeks an agreement to allow water banking through project facilities. DFG also endorsed in its March 24 comments a proposal to require High Desert Power Project, LLC to retain ownership of project wells. While DFG is still convinced that retained ownership of the wells would provide advantages in ensuring compliance with other soil and water conditions, DFG has also acknowledged that there are practical difficulties in requiring the project operator to build and operate the wells. Because of these difficulties, DFG is not opposed to certification of the project without the well ownership requirement, provided other soil and water conditions and verification measures are approved as proposed.

DFG believes the project as modified by the conditions of certification proposed in the RPMPD will not result in significant adverse effects on the desert tortoise, Mohave ground squirrel, or species dependent on the Mojave River and its riparian habitat.

Thank you for the opportunity to comment.

Dated: April 14, 2000

Respectfully submitted by:

Alan Pickard  
Department of Fish and Game